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|                 |             |                       |                     |                  |
|-----------------|-------------|-----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/706,484      | 11/12/2003  | Graydon Ernest Beatty | 1125                | 7593             |

26111 7590 11/13/2007  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

|              |  |
|--------------|--|
| EXAMINER     |  |
| COHEN, LEE S |  |

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 3739     |              |

|            |               |
|------------|---------------|
| MAIL DATE  | DELIVERY MODE |
| 11/13/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/706,484             |  | BEATTY ET AL.       |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Lee S. Cohen           |  | 3739                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/>             Paper No(s)/Mail Date <u>6/1/06</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>             Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
|--|---|

### **Supplemental Ex Parte Quayle**

This application is in condition for allowance except for the following formal matters:

#### **I. Priority**

It is noted that this application claims subject matter disclosed in prior Applications. A reference to the prior applications must be inserted as the first sentence(s) of the specification of this application as follows:

This application is a Continuation-in-Part of U.S Patent application serial number 08/376,067, filed January 20, 1995, which issued as U.S. Patent No. 5,553,611, which is a continuation of U.S Patent application serial number 08/178,128, filed January 6, 1994, now abandoned. This application is a reissue of U.S Patent application serial number 08/387,832, filed May 26, 1995, now U.S. Patent No. 6,240,307, which is a 371 of PCT/US93/09015 filed on September 23, 1993, which was a Continuation-in-Part of USSN 07/950,448, filed September 23, 1992, which issued as U.S. Patent No. 5,297,549 and USSN 07/949,690, filed Septemebr 23, 1992, now issued as U.S. Patent No. 5,311,866.

#### **II. Information Disclosure Statement**

The information disclosure statements filed June 1, 2006 fail to comply with 37 CFR 1.97(d) because they lacks a statement as specified in 37 CFR 1.97(e). They have been placed in the application file, but the information referred to therein has not been considered.

#### **III. Assignee**

The most recently filed consent of assignee and statement under 3.73(b) do not reflect the current assignee information. **The applicant must submit papers which accurately reflect the current assignee.** The Consent of assignee states that Endocardial Solutions, Inc is the assignee and that is no longer the case; the consent does not reflect the current assignee. Likewise, the accompanying 3.73b papers only refer to Endocardial Solutions, Inc and therefore also do not reflect the current assignee. Applicant must file new Consent and 3.73b to fix this - simply filing additional assignments does not correct the problem.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee S. Cohen whose telephone number is 571-272-4763. The examiner can normally be reached on Monday-Friday, 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lee S. Cohen  
Primary Examiner  
Art Unit 3739

LSC  
November 5, 2007

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| 10706484                        | 11/12/03    | BEATTY ET AL.                                     | 1125                |

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Lee S.. Cohen

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Commissioner for Patents